

# Briefing

## Draft Culture (Scotland) Bill

### Consultation ends 31st March 2007



## Introduction

Children in Scotland welcomes the draft Culture (Scotland) Bill and its aim of increasing participation in the arts and cultural activities in Scotland. Involvement in cultural activity can have positive effects on children's learning and development, relationships, and mental health and emotional well-being. Cultural activities can be provided to children and young people by an extensive range of services including nurseries and playgroups, schools and school age childcare services, youth clubs, and residential care as well as theatres and museums. Cultural activities can engage children outdoors as well as indoors in areas of public space and whilst exploring the natural environment.

As outlined in the *United Nations Convention on the Rights of the Child* every child and young person has the right to participate in the arts and in cultural activity.<sup>1</sup>

### **Article 31, United Nations Convention of the Rights of the Child**

States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

In the Draft Culture (Scotland) Bill the Scottish Executive aims to achieve some of the proposals outlined in *Scotland's Culture*<sup>ii</sup>, the Scottish Executive's response to the report by the Cultural Commission and the outline of plans for the future of Scotland's cultural policy. The Bill aims to encourage more people from a diverse range of backgrounds to participate in cultural activity. One of the main provisions in the Bill is the proposal for local authorities to develop 'local cultural entitlements' as part of cultural planning. Local authorities will have to develop entitlements in consultation with local communities. The Bill will also provide for the establishment of a new public body, Creative Scotland, and for changes to the governing legislation of the National Collections. This briefing focuses on the proposals to provide cultural entitlements and aims to be a catalyst for discussion. Entitlements will be of interest to a wide range of stakeholders and Children in Scotland's response to the Bill will benefit from your contributions.

## Key issues

**Are the proposals on entitlements strong enough and what will they mean in practice for children and young people?** Children in Scotland is pleased that the Bill will require local authorities to develop cultural entitlements in their area. However, as well as more clarity regarding the nature of entitlements, we think that the proposals on entitlements need to be stronger. The Scottish Executive could explore the idea of providing entitlements specifically for children and young people, for whole nursery classes, in the form of cultural vouchers, and facilitated through schemes such as the Young Scot card. It is important that local authorities think about entitlements not just as visits to museums and galleries but as the opportunity to participate in cultural activities in the classroom such as singing, painting, reading, and playing music.

**Does the Bill ensure children and young people's involvement in the development of the cultural entitlements?** Children in Scotland welcomes that the guidance advises local authorities to give particular thought to engaging young people in developing entitlements. However, we believe that it needs to be more explicit and to make clear that involvement should continue throughout the

development process and not solely when decisions about what types of entitlements to provide are being made. Nor should the involvement be restricted to young people, pre-school children can be engaged as well in this process. Children and young people are more likely to use entitlements if they have been involved in their development. Involvement in cultural activities, and in the development of such activities, can also have indirect impacts on anti-social behaviour, youth justice and social inclusion and will provide ways of addressing the lack of 'things to do' as identified in the Scottish Commissioner for Children and Young People's priority consultation with children and young people.

**How can schools and nurseries benefit from cultural entitlements and how can the arts workforce play a role in delivering cultural activities to children and young people in educational settings?** Children in Scotland's new report *Arts for all?*<sup>iii</sup> highlights that in many other European countries culture is an integral part of the curriculum. We believe that to increase participation in culture it needs to be embedded into education from early childhood. When thinking about ways of delivering cultural activities to children in nurseries and schools, local authorities need to think about making use of professional self-employed artists who can use their specialised art skills to work with children and young people.

**How can we most effectively offer activities to young children in services, the community and at home?**

Play is an essential part of every child's development, and is most important in the early years. The Bill and accompanying guidance should note the role of free play as well as more formal activities in providing cultural activities. There are a variety of ways in which cultural entitlements can be made meaningful for young children through sharing of song, movement, colour and story and these activities can take place within services, the community, families, and in nature - wherever young children are. The focus must be on who and what can enable children to take part in such activities, what improvements need to be made in initial education of those working with young children, and what support is offered to families. The guidance must be clear that many organisations will play a vital part in assisting with the provision of cultural entitlements and that local authorities will have to work together with them in developing entitlements. Such organisations could include museums, libraries, schools, nurseries, school age childcare services, theatres, community groups, local businesses, galleries, transport providers, health board and artists, musicians and writers.

**How can children with additional support needs share the benefits?** Local authorities will have to ensure that children and young people with additional support needs share in the benefits of cultural entitlements. Play and music therapy and the use of visiting self-employed artists and art therapists will be effective in providing cultural activities to children with additional support needs. Training in play therapy, such as the course that Children in Scotland provides, would be particularly useful for staff working with children who have additional support needs who need to develop and deliver cultural activities in schools and other settings.

**How can rural areas ensure that the Bill will mean increased opportunity to cultural activity for them?** The Children in Scotland publication, *Arts for all?* describes clearly the issues to consider when developing cultural entitlements for rural areas and we believe that the guidance should be clear on their specific needs. Access issues for rural communities is one key factor to consider when developing entitlements for children living in rural areas and the costs associated with accessing facilities that will deliver cultural entitlements. Rural based local authorities will have to be flexible when developing entitlements and look at using facilities such as mobile arts buses.

**Will training be provided to help staff define and provide entitlements for children and young people?** Children in Scotland would suggest that arts training be built into staff initial education and professional development and that consideration be given to the possibility of developing a Scottish pedagogical qualification to enable the workforce to deliver arts activities across early years, alongside teachers in schools, in youth work, and residential care.

**Please send your comments on the draft Culture (Scotland) Bill and on the issues covered in this briefing by 21 March to Sheona Lawson, Assistant Policy and Information Officer (0131 222 2412 or [slawson@childreninscotland.org.uk](mailto:slawson@childreninscotland.org.uk)).**

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- <sup>i</sup> Article 31, *United Nations Convention on the Rights of the Child* [www.unhcr.ch/html/menu3/b/k2crc.htm](http://www.unhcr.ch/html/menu3/b/k2crc.htm)  
<sup>ii</sup> *Scotland's Culture*, Scottish Executive, 2006 <http://www.scotland.gov.uk/Publications/2006/01/18091052>  
<sup>iii</sup> *Arts for a all? Developing cultural entitlements for children in rural Scotland*, Children in Scotland 2007 (To order your copy visit [http://www.childreninscotland.org.uk/html/hom\\_publ.htm](http://www.childreninscotland.org.uk/html/hom_publ.htm))

**Children in Scotland** is Scotland's national agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies, services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents over 450 members, including all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and the European Union.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Executive, local authorities and practitioners. It services a number of groups such as: the Cross Party Parliamentary Group on Children and